

BY REPRESENTATIVE RICHARD

1 A CONCURRENT RESOLUTION

2 To suspend until sixty days after final adjournment of the 2011 Regular Session of the

3 Legislature of Louisiana the provisions of R.S. 37:1031(A), 1032, 1033(A), (B), and

4 (H) and R.S. 40:2179, 2179.1, and 2179.2, relative to the Direct Service Worker

5 Registry.

6 WHEREAS, Act No. 306 of the 2005 Regular Session of the Legislature of Louisiana

7 authorized the Department of Health and Hospitals (hereafter referred to as the department)

8 to implement a Direct Service Worker Registry; and

9 WHEREAS, despite the department's best efforts with inadequate staffing, the

10 registry has been plagued by delays in posting names to the registry, thereby compromising

11 the main purpose of the registry which is to identify workers who are negligent, abusive,

12 exploitive or have extorted funds from the persons they serve; and

13 WHEREAS, the state budget crisis has resulted in repeated cuts to providers

14 necessitating the elimination of costly duplicative regulatory provisions and cost-prohibitive

15 medication attendant training; and

16 WHEREAS, while over forty-three thousand individuals have been placed on the

17 registry, only fifty-seven persons have been flagged for allegations of neglect, abuse,

18 exploitation, or extortion; and

19 WHEREAS, with an estimated cost to providers of all enrolled of over fifteen million

20 dollars annually and a cost to the department of approximately two hundred thousand dollars

1 annually, this registry is clearly not a cost-effective way to achieve the original legislative  
2 intent; and

3 WHEREAS, training and other costs providers incur to comply with the requirements  
4 of the registry are not reimbursed, thus reducing the financial and manpower resources  
5 available to provide services to the elderly and persons with developmental disabilities; and

6 WHEREAS, the registry as currently structured does not have the ability to protect  
7 individuals with a developmental disability and the elderly in a timely manner, and does not  
8 list findings until the individual has exhausted all legal remedies available to them; and

9 WHEREAS, the registry process fails to prevent an individual who is terminated  
10 from one provider for neglect, abuse, exploitation, or extortion from being hired by another  
11 provider, thus negating the original purpose of the registry; and

12 WHEREAS, there exists a backlog of seven months at the state level in entering  
13 trained workers' records onto the registry after their forms have been submitted by providers,  
14 which could allow an unsatisfactory employee to remain continuously employed by staying  
15 with different employers for periods of less than seven months; and

16 WHEREAS, proposed Medication Administration regulations will add significant  
17 training costs to providers which are not reimbursable despite the fact that there are other  
18 Medication Administration models in other states which are working well, are less costly,  
19 and should be considered; and

20 WHEREAS, the department has indicated its intent to tie billing for services to the  
21 registry, and with the current prolonged backlog in getting an individual's record entered into  
22 the registry, a provider would thus be unable to receive payment for services timely and  
23 experience a significant cash flow problem as a result; and

24 WHEREAS, records included in the registry regarding required training, medication  
25 administration, billing, abuse and neglect reporting, minimum qualifications of Direct  
26 Service Workers, and the use of relatives as caregivers are duplicative of many existing  
27 policies and other regulations; and

28 WHEREAS, the purpose of this Resolution is allow the Department of Health and  
29 Hospitals time to work with stakeholders to eliminate duplicative regulations and streamline  
30 the Direct Service Worker Registry process.

1           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
2 suspend the provisions of R.S. 37:1031(A), 1032, 1033(A), (B), and (H) and R.S. 40:2179,  
3 2179.1, and 2179.2, relative to the Direct Service Worker Registry.

4           BE IT FURTHER RESOLVED that this suspension shall become effective upon  
5 adoption of this Resolution and shall extend through the sixtieth day after final adjournment  
6 of the 2011 Regular Session of the Legislature of Louisiana.

7           BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted  
8 to the secretary of the Department of Health and Hospitals.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Richard

HCR No. 94

Suspends the provisions of law providing for the Direct Service Worker Registry. The purpose is to allow DHH time to work with stakeholders to eliminate duplicative regulations and streamline the registry process.

Effective through the 60th day following the 2011 R.S.

(Suspends R.S. 37:1031(A), 1032, 1033(A), (B), and (H) and R.S. 40:2179, 2179.1, and 2179.2)